THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.13568 of 2007

Dated 28-06-2007

Between:

Mohd. Tajuddin

…Petitioner

And

A.P.S.R.T.C., rep. by its Vice-Chairman and Managing Director and others

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.13568 of 2007

ORDER:

The petitioner owns two buses. They were taken on hire by the A.P.S.R.T.C., to be operated on the route from Kamareddy to

Bhadrachalam, *via* Karimnagar and Warangal. Necessary agreements were entered into, to be in force for a period of three years. After expiry of the same, the petitioner was granted extension of one year. The present contract would come to an end, by 07-04-2008.

In the corresponding agreements, the distance to be covered by the buses was indicated as 380 kms., one way. According to the petitioner, the distance is 402 Kms., and he is entitled to be paid the hire charges on that distance. He claims to have made representation on 01-10-2005 and states that no action has been taken thereof.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The parties are governed by the terms and conditions contained in the agreements entered into between them. One of the conditions is that the distance to be covered by the bus is 380 kms. If according to the petitioner the distance is more, he ought to have taken steps to get the same revised, soon after the agreement came into force. Not only the original contracted period had expired, but even the extended period is going to come to an end.

Instances are not lacking where the distances were verified at the instance of the Corporation or the owner of the bus and corrective steps were taken. However, the result of such verification is required to be prospective in operation. The reason is that the tickets are issued for the distance that was entered in the agreement. If the distance is to be enhanced, the Corporation cannot recover the excess charges from the passengers.

For the foregoing reasons, the writ petition is disposed of, directing the respondents to consider the representation made by the petitioner for re-verification of distance between Kamareddy and Bhadrachalam and take necessary steps, within two weeks from today.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.28-06-2007.

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